

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 24, 2003

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Mallano, J. and D. Nolan, Deputy Clerk.

B161794 Jackson v. County of Los Angeles, et al.

Argument waived, cause submitted.

B162435 Los Angeles County, D.C.S.

v.

D.V.

In re S.R., et al. minors

Merits:

Argued by David Romley for appellant and by Sterling Honea for respondent. Cause submitted.

B156018 Lionel A. Daley

v.

Gilbert S. Azafrani

Merits:

Argued by Lionel Daley, appellant in propria persona and there being no appearance by respondent (CRC 17). Cause submitted.

B158244 Daniel Moschella

v.

Liza D. Weber

Merits:

Argued by Hugh A. Lipton for appellant with no appearance by respondent (CRC 17). Cause submitted.

DIVISION ONE (Continued)

B158395 Yasmina Grace Martinez
 v.
 Northridge Hospital Medical Center

Merits:
Argued by Mark D. Rutter for appellant and by David Ozeran for
respondent. Cause submitted.

B159740 Benjamin Kadish, et al.
 v.
 Jewish Community Centers, et al.

Merits:
Argued by Joseph M. Lovretovich for appellants and by Scott A. Edelman
for respondents. Cause submitted.

B161398 Lamoyne McCloud
 v.
 Deborah Perkins, as administrator
 Estate of Benjamin Leo McCloud, deceased.

Merits:
Argued by Stephen Lewis for appellant and by James B. Russell for
respondent. Cause submitted.

Court adjourned.

B165646 Consumer Cause (Certified for Publication)
 v.
 National Vision, Inc.

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

B162965 Transco Syndicate #1, Ltd., et al. (Not for Publication)
v.
Curey-Riach Company, et al.

The order of dismissal of the cross-complaint is reversed and the matter is remanded to the trial court. We express no opinion as to whether the trial court might yet dismiss this matter pursuant to sections 583.410 and/or 583.420 (or some other relevant authority) after giving Currey-Riach appropriate notice. Each party shall bear its own costs on appeal, if any.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B162184 People (Not for Publication)
v.
Fadden

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B162300 People (Not for Publication)
v.
Anderson, III

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION TWO (Continued)

B162767 People (Not for Publication)
v.
Green

The findings as to the prior conviction allegations are reversed. The matter is remanded for a new trial limited to the issue of the prior conviction allegations and, if the allegations are found true, for a determination of whether the prior convictions were based on charges brought and tried separately. The judgment is modified to reflect that the consecutive term imposed in count 6, assault, and the concurrent term imposed in count 7, false imprisonment, are stayed. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B152427 People (Not for Publication)
v.
Noriega

The judgment is affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B166553 Los Angeles County, D.C.S. (Not for Publication)
v.
Rahman A.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B164385 Los Angeles County, D.C.S. (Not for Publication)
v.
Darryl M.

The judgment is affirmed.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B157732 Walker (Not for Publication)
v.
City of Los Angeles, et al.

The judgment is affirmed. Respondents shall recover costs on appeal.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B159700 Esperanza Ayon Mendoza (Not for Publication)
v.
Ramona A. Miller

The order granting defendant's motion for a new trial is reversed. The judgment is affirmed, as modified. The trial court is instructed to modify the judgment to award plaintiff \$7,690.29 as economic damages. Plaintiff is to recover costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B165426 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Jacqueline D.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B163420 People (Not for Publication)
 v.
 Swain

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B161577 People (Not for Publication)
 v.
 Knowlton

The judgment is modified with reference to count 2, to strike rather than stay the enhancement pursuant to Penal Code section 667.71. The trial court is directed to send to the Department of Corrections a corrected abstract of judgment; and in all other respects, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION SIX

B162282 People (Not for Publication)
v.
Ibarra

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B159136 People (Not for Publication)
v.
Linnihan

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B162005 People (Not for Publication)
v.
Haro

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B162630 Kohrs & Fiske, et al.
v.
Harold Kwalwasser, et al.

Filed order denying petition for rehearing.

September 24, 2003 (Continued)

DIVISION SIX (Continued)

B163889 People (Not for Publication)
v.
Zaragoza

The order of dismissal is affirmed.

Perren, J.

I concur: Coffee, J.
I dissent: Gilbert, P.J. (Opinion)

B165579 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B165482 People (Not for Publication)
v.
Handcox

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

September 24, 2003 (Continued)

DIVISION SIX (Continued)

B163529 Morales (Not for Publication)
v.
Dudley

The judgment is reversed. On remand, Morales shall be granted leave to amend her complaint to allege a cause of action against Dudley under section 324A. Costs on appeal are awarded to appellant.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J

B154079 Baum (Not for Publication)
v.
Smart & Final Stores Corporation

We affirm that part of the trial court's order denying the SLAPP motion with respect to causes of action for misappropriation of trade secrets, intentional interference with contractual relations and intentional interference with prospective economic relations. We reverse that part of the order granting the motion with respect to causes of action for breach of contract, conversion and breach of fiduciary duties. We remand to the trial court to determine whether the prevailing party is entitled to attorney fees and the amount thereof. Smart & Final is awarded costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION EIGHT

B163927 People (Not for Publication)
v.
Hollinquest

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

September 24, 2003 (Continued)

DIVISION EIGHT (Continued)

B163945 People (Not for Publication)
v.
Sanders

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.